

AMENDED IN ASSEMBLY FEBRUARY 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 168**

**Introduced by Assembly Member Maze**

January 23, 2003

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An act to amend Section 11198 of the Penal Code, relating to imprisonment.

LEGISLATIVE COUNSEL'S DIGEST

AB 168, as amended, Maze. Imprisonment.

Existing law establishes the Interstate Corrections Compact Act and the Western Interstate Corrections Compact Act which statutorily authorizes states to enter into contracts with other party states for the confinement of inmates on behalf of the sending state in institutions situated within a receiving state. Any court, agency, or officer of this state with the authority to commit or transfer an inmate to any institution for confinement may commit or transfer that inmate to any institution within or without this state if this state has entered into a contract for the confinement of inmates in that institution pursuant to a compact under one of the above acts. Existing law prohibits, except as authorized by California statute, any city, county, city and county, or private entity from causing to be brought into, housed in, confined in, or detained in this state any person sentenced to serve a criminal commitment under the authority of any jurisdiction outside of California.

This bill would permit a county of the 21st class, with the agreement of the Director of Corrections, to cause to be brought into this state any persons sentenced to serve criminal commitments under the authority of a jurisdiction outside of California, and to detain, confine, or house

those persons in any jail facility beds that will not be needed for county inmates during the period of the commitments. *The bill would also provide that, if a bed used for an inmate sentenced outside of California becomes needed for an inmate sentenced or pending charges in California, the inmate sentenced outside of California shall be returned to the jurisdiction where the inmate was serving a sentence immediately prior to arriving in California.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11198 of the Penal Code is amended to  
2 read:

3 11198. (a) Except as authorized by California statute or as  
4 provided in subdivision (c), no city, county, city and county, or  
5 private entity shall cause to be brought into, housed in, confined  
6 in, or detained in this state any person sentenced to serve a criminal  
7 commitment under the authority of any jurisdiction outside of  
8 California.

9 (b) It is the intent of the Legislature that this act shall neither  
10 prohibit nor authorize the confinement of federal prisoners in this  
11 state.

12 (c) With the agreement of the Director of Corrections, a county  
13 of the 21st class may cause to be brought into this state any persons  
14 sentenced to serve criminal commitments under the authority of a  
15 jurisdiction outside of California, and may detain, confine, or  
16 house those persons in any jail facility as long as the beds taken by  
17 those persons will not be needed for county inmates during the  
18 period of the commitments. *Should a bed used for an inmate  
19 sentenced outside of California become needed for an inmate  
20 sentenced or pending charges in California, the inmate sentenced  
21 outside of California shall be returned to the jurisdiction where the  
22 inmate was serving a sentence immediately prior to arriving in  
23 California.*

